

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

|                           |   |                     |
|---------------------------|---|---------------------|
| -----                     | X |                     |
|                           | : |                     |
| UNITED STATES OF AMERICA, | : | <b><u>ORDER</u></b> |
|                           | : | 12-mc-0557 (BMC)    |
| Plaintiff,                | : |                     |
|                           | : |                     |
| - against -               | : |                     |
|                           | : |                     |
| JOHN DOE,                 | : |                     |
|                           | : |                     |
| Defendant.                | : |                     |
|                           | : |                     |
| -----                     | X |                     |

By letter dated May 17, 2013 [Doc. No. 88], John Doe moved for an Order to Show Cause requesting an immediate hearing and an order why Frederick M. Oberlander and Richard E. Lerner should not be held in civil contempt of the Second Circuit's December 20, 2011 Mandate for filing two allegedly frivolous actions within the last two months.<sup>1</sup> Doe specifically requested that this Court impose on Oberlander and Lerner leave-to-file restrictions and requirements of notice to other federal courts pursuant to the Second Circuit's Order, prohibiting them from filing any further actions without the consent of this Court; and order monetary sanctions against Oberlander and Lerner under Federal Rule of Civil Procedure 11, including an order requiring them to pay Doe's attorney's fees and costs for the motion. On May 22, 2013, the Court ordered Doe to file an affidavit in support of his motion in compliance with Local Rule 83.6. On May 23, 2013, Doe filed the requisite affidavit [Doc. No. 92].

The Second Circuit's February 14, 2011 Mandate remanded the appealed case, which related to documents placed under seal, to the District Court for the Eastern District of New York

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<sup>1</sup> The two new actions are Estate of Ernest Gottdiener et al. v. Felix Sater and Salvatore Lauria, 13 Civ. 1824, currently pending before Judge Scofield in the Southern District of New York, and Kriss et al. v. Bayrock Group LLC, et al., 651715/2013, a New York state action commenced by summons and notice.

with instructions to the Chief Judge of that Court to assign a district judge “with the limited mandate of implementing and overseeing compliance with our orders and the orders previously entered by Judge Glasser.” Although the Second Circuit enjoined Oberlander and Lerner from further disclosing sealed information, it only warned them against filing additional lawsuits in an attempt to re-litigate the issues decided by its order, or other future filings of a frivolous nature; the Second Circuit did not prohibit such filings in its December 20, 2011 Mandate. John Doe’s motion is therefore denied.

**SO ORDERED.**

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U.S.D.J.

Dated: Brooklyn, New York  
May 28, 2013